

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**PAUL VALDEZ AND CURRIE BYRD, §
Individually and On Behalf of All Others §
Similarly Situated, §**

Plaintiffs, §

v. §

**ASSIETTE, LLC D/B/A TARDIF'S §
AMERICAN BRASSERIE AND JEAN §
YVES TARDIF, INDIVIDUALLY §**

Defendants §

CA No. 5:23-cv-290-OLG

PROPOSED SCHEDULING ORDER

The parties recommend that the following deadlines be entered in the Scheduling Order to control the course of this case:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88¹ shall be filed by August 15, 2024.
2. The parties asserting claims for relief have already submitted a written offer of settlement to opposing parties, and each opposing party has already responded in writing.
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by July 30, 2024.
4. All parties asserting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by FRCP 26(a)(2)(B) by August 30, 2024. Parties resisting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by FRCP 26(a)(2)(B) by October 1, 2024.

¹ADR Report. Upon order of the court, the parties shall submit a report addressing the status of settlement negotiations, disclosing the identity of the person responsible for settlement negotiations for each party, and evaluating whether alternative dispute resolution is appropriate in the case. In the event the parties conclude that ADR is appropriate and agree upon a method of ADR and an ADR provider, they should identify both the method of ADR and the provider they have selected, the method by which the provider was selected, and how the provider will be compensated.

All designations of rebuttal experts shall be filed within 14 days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, not later than 30 days of receipt of the written report of the expert's proposed testimony or not later than 30 days of the expert's deposition, if a deposition is taken, whichever is later. The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.

6. The parties shall complete discovery on or before October 1, 2024. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions as defined in Rule CV-7(c) shall be filed no later than December 2, 2024. The timing and page limitations for briefing on any motion shall be governed by the relevant provisions in Local Rule CV-7.

8. The parties shall mediate this case on or before October 1, 2024, unless the parties seek an order from the Court excusing them from mediation.

9. This case is set for pretrial conference on Wednesday, February 12, 2025, at 10:30 a.m. The parties should consult Local Rule CV-16 regarding matters to be filed in advance of a pretrial conference and/or trial.

10. This case is set for jury selection and/or bench trial on Monday, February 17, 2025, at 9:30 a.m.

SIGNED AND ENTERED this ____ day of _____, 2024.

HONORABLE ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE

Respectfully Submitted,

/s/ Douglas B. Welmaker

Douglas B. Welmaker

State Bar No. 00788641

Welmaker Law, PLLC

409 N. Fredonia, Suite 118

Longview, Texas 75601

Phone: (512) 799-2048

doug@welmakerlaw.com

ATTORNEY FOR PLAINTIFFS

/s/ Jaay D. Neal

Jaay D. Neal

State Bar No. 14836700

LAW OFFICES OF JAAY D. NEAL

322 W. Woodlawn Avenue

San Antonio, TX 78212

Telephone: (210) 735-2233

Facsimile: (214) 292-9487

jaayneal@aol.com

ATTORNEY FOR DEFENDANTS